IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA HARRISONBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
FOR: HARRISONOURS
AUG 0 4 2006

JOHN F. CORCORAN, CLERK
BY:
DEPURY CLERK

GHAREEB H. GULL,)
Plaintiff,) Civil Action No. 5:05ev00085
v.)) <u>FINAL ORDER</u>
JO ANNE B. BARNHART,) By: Samuel G. Wilson
Commissioner of Social Security,) United States District Judge
)
Defendant.)

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable James G. Welsh, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that an order be entered denying defendant's motion to dismiss, and remanding the case to the Commissioner for further proceedings with the parties to have the opportunity to introduce such additional evidence as they may desire. Objections to the report and recommendation have not been filed, and the court, upon review of the record, is of the opinion that the report should be adopted. It is accordingly, **ORDERED** and **ADJUDGED** that the defendant's motion to dismiss is **DENIED**, this case is remanded to the Commissioner for further proceedings, and **ORDERED** stricken from the docket of the court.

ENTER: This August 3, 2006.

UNITED STATES DISTRICT JUDGE